

9 29 June 88

INTELLIGENCE OVERSIGHT LEGISLATION

As many of you are aware, the Congress has been considering for some time legislation that would change the existing intelligence oversight laws. The Senate has already passed its version of the legislation, and we expect the House itself will act on a somewhat different version of the bill this summer.

We have worked closely with the House and Senate Intelligence Committees on this legislation to ensure that the legislation would not inadvertently jeopardize our authority to protect sensitive intelligence sources, or change the existing framework for determining whether an activity is a covert action. Our one remaining concern is the requirement without exception to notify the intelligence committees, or the Congressional leadership, of a covert action within 48 hours of the President signing the Finding.

Because of the 48-hour notification requirement, the President has indicated that he would veto the legislation should it reach his desk.

Given the presence of Chairman Boren, Chairman Stokes, and Ranking Minority Member Hyde, I thought this would be a good opportunity to pose some questions on the bill to those most capable of providing informed answers.

- ° What are the prospects in the House or Senate that a veto will be overridden?
- ° Is there a compromise possible on the issue of notification within 48 hours of a Presidential Finding?
- ° Would you be willing to consider delayed notification for longer than 48 hours in situations where another country has conditioned their support of a covert action on the President delaying notice to Congress?
- ° Would you be willing to accept delayed notification in circumstances where the premature disclosure of an operation could ~~jeopardize the survival of the country~~ or lead to the deaths of innocent individuals?
- ° Would you consider a provision that would require the President to notify you of the existence of a Finding, but not its content. (Such an amendment failed by a large margin in the Senate.)

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LEAKS LEGISLATION

Some of you may have been informed that a proposal to criminalize unauthorized disclosure of classified information received under the Intelligence Oversight Act failed in a tie vote in the House Intelligence Committee last month. The proposal would have applied to Senators, Congressmen, or their staffs. The sponsors of the proposal have indicated they intend to raise the matter as an amendment to the Intelligence Oversight bill when that bill reaches the floor of the House.

This legislation is unique in that it would apply criminal sanctions to the unauthorized disclosure of classified information to the media by Members of Congress or their staff.


- ° I would be interested in obtaining your views, Chairman Stokes, on this proposal now that you have had time to study the proposal?
- ° I recognize, Chairman Boren, that you have not had time to study the proposal, but would you support the concept of such a proposal in a House/Senate Conference on the Intelligence Oversight Bill?
- ° Should the proposal be modified to make clear that it would apply to Executive branch officials who disclose classified information received by Congress under the Intelligence Oversight Act?
- ° Should consideration of this proposal be postponed pending a decision by the Supreme Court in the Morrison case on whether the Espionage statutes cover unauthorized disclosures of classified information to the media?
- ° As a general matter, what reception would any form of "leaks" legislation receive in Congress in the existing political environment?

CONGRESSIONAL INITIATIVES ON "DRUG" ISSUES

It appears this will be the year of "drugs". The issue is on the public's mind and the Congress has before it many aspects of the problem, some of which will undoubtedly affect the Intelligence Community.

Given the composition of the group here tonight, I thought this would be a good opportunity to raise issues both the Congress and the Executive Branch will be facing in the next few months.

- o Current Community Efforts To Support Law Enforcement. I think we have to begin with the current extent of Community support to law enforcement, anti-drug activities. Is it enough? Should it be strengthened? If so, how? If you involve intelligence sources in criminal prosecutions, you face obvious problems - can these be overcome?
- o "Raiding" the Community Budget. The Community budget, because of its size, could be a target for reallocation of funds to support the anti-drug effort - is this a serious threat?
- o Use of the Military. The Congress is facing the issue of how much the military will become involved in the anti-drug interdiction effort. Do the proposals likely to see action adversely affect the Community?
- o Penalizing Specific Countries. As you know, one reaction to the supply side of the drug problem is to cutoff U.S. assistance to individual countries which do not meet drug-reduction goals. When there are intelligence equities at stake in that same country, problems can occur. Are we likely to see more of this country-by-country approach and, if so, how can we best deal with it?

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